

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

JUSTINIANO DELRIO)	
Appellant,)	
)	
v.)	CAVC No. 17-4220
)	EAJA
)	
ROBERT L. WILKIE,)	
SECRETARY OF)	
VETERANS AFFAIRS,)	
Appellee)	

**STIPULATED AGREEMENT BETWEEN THE PARTIES
SETTLING APPELLANT’S APPLICATION FOR AWARD OF
REASONABLE ATTORNEY FEES AND EXPENSES**

The parties enter into this agreement for the purpose of settling Appellant’s claims for reasonable attorney fees and expenses pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.

WHEREAS, on December 19, 2019, the Court set aside a portion of the September 19, 2017, decision of the Board of Veterans’ Appeals (Board), and remanded the adjudicated matters to the Board for readjudication;

WHEREAS, Appellant requested an award of attorney fees pursuant to the provisions of the EAJA Application (application); and

WHEREAS, Appellee filed a response to Appellant’s application, disputing the reasonableness of the claimed billing time; and

WHEREAS, the parties took part in a conference with the Court on September

15, 2020 regarding the aforementioned disputed EAJA fees; and

WHEREAS, the parties have reached an amicable resolution of the issues and desire to avoid further expense in the litigation of the application;

NOW, THEREFORE, the parties stipulate and agree as follows:

1. Appellant agrees to release Appellee from all claims to attorney fees and expenses in connection with the captioned appeal upon receipt of the payment specified in Paragraph 2 of this Agreement.

2. Appellee agrees to pay, and Appellant agrees to accept, the sum of \$15,750.00, payment to be made jointly to Appellant and his attorney, Zachary M. Stolz.

3. As to the application, the parties make no representations concerning the issues of “prevailing party,” “substantial justification,” or “special factors,” as defined in 28 U.S.C. § 2412(d).

4. The parties agree that they are entering into this agreement for the sole purpose of avoiding further litigation and related costs.

5. Appellant has agreed to waive any supplemental EAJA fees or application regarding this matter.

6. This agreement constitutes the entire understanding between the parties, and any other representation, in writing or otherwise, concerning the contents of the agreement is void and ineffective.

7. The parties agree that the terms of this agreement are unique to the instant application and will not control or in any way affect the litigation or settlement of future applications for attorney fees and expenses pursuant to the EAJA.

8. The parties agree that time is of the essence in discharging their respective obligations under the terms of this agreement, and the parties agree to cooperate with each other and the Court in effecting its provisions.

9. The parties agree and warrant that the signatories hereto have actual authority to bind the parties.

Respectfully submitted,

FOR APPELLANT:

/s/ Zachary M. Stolz

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Date: September 15, 2020